

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. NO.: 2908-01  
BILL NO.: SB 576  
SUBJECT: Creates Crime of Financial Exploitation of the Elderly  
TYPE: Original  
DATE: December 14, 1999

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses  
 This fiscal note contains 3 pages.

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**FISCAL ANALYSIS**

ASSUMPTION

Officials from the **Office of State Courts Administrator** and **Office of Prosecution Services** assume that this proposal will not fiscally affect their agencies.

Officials from the **Department of Social Services (DOS)** did not respond to our request for fiscal impact. However, for a very similar proposal from the previous session, the DOS stated the proposal would not fiscally affect their agency.

Officials from the **Office of State Public Defender (SPD)** did not respond to our request for fiscal impact. However, for a very similar proposal from the previous session, the SPD had assumed that existing staff could provide representation for those 50 to 100 cases arising where indigent person were accused of “financial exploitation of the elderly as a class A misdemeanor or a class D felony.” The SPD had also stated that passage of more than one similar proposal would require the SPD to request increased appropriations to cover the cumulative cost of representing the indigent accused in the additional cases.

Officials from the **Department of Corrections (DOC)** did not respond to our request for fiscal impact. However, for a very similar proposal from the previous session, the DOC stated the need for additional capital improvements is not anticipated at this time. They note that the cumulative effect of various new legislation , if adopted, could result in the need for additional capital improvements funding if the total number of new offenders exceeds current planned capacity.

Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court. If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational costs either through incarceration (average of \$35 per inmate, per day) or through supervision provided by the Board of Probation and Parole (average of \$3.50 per offender, per day)

Supervision by the DOC through probation or incarceration would result in some additional costs but it is assumed that the impact would be minimal.

**Oversight** assumes offenders placed with the DOC resulting from implementation of this proposal could be absorbed with existing resources.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	\$0	\$0	\$0
<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	\$0	\$0	\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal creates the crime of financial exploitation of the elderly. A person commits this crime if the person is in a position of financial responsibility for an adult who is handicapped or 60 years of age or older and the person converts the adult's money or property without the adult's consent or by undue influence or misrepresentation. The crime is a Class A misdemeanor if the money or property converted has a value of \$150 or less, and is a Class D felony if the value is over \$150.

The proposal also allows a person who believes that an adult who is handicapped or 60 years of age or older has been a victim of financial exploitation to make a report to the Department of Social Services.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Social Services  
Office of State Courts Administrator  
Department of Corrections  
Office of State Public Defender  
Office of Prosecution Services



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Director  
December 14, 1999